

6. Paragraph 6 contains allegations of law, not fact, which require no response from defendant.

7. The Defendant denies the allegations contained within paragraph 7.

8. The Defendant denies the allegations contained within paragraph 8.

9. The Defendant denies the allegations contained within paragraph 9.

10. The Defendant denies the allegations contained within paragraph 10.

11. The Defendant denies the allegations contained within paragraph 11.

12. The Defendant denies the allegations contained within paragraph 12, as Defendant has a Personnel Policies Manual that includes non-discrimination and sexual harassment policies that apply to the Smith County Sheriff's Department, which is a subdivision of the Defendant.

13. The Defendant denies the allegations contained within paragraph 13.

14. The Defendant lacks sufficient information or knowledge to admit or deny plaintiff's allegations regarding photographs. The Defendant denies the remaining allegations contained within paragraph 14.

15. The Defendant lacks sufficient information or knowledge to admit or deny whether plaintiff subjectively feared for her job or livelihood. The Defendant denies the remaining allegations contained within paragraph 15.

16. The Defendant denies the allegations contained within paragraph 16.

17. The Defendant denies the allegations contained within paragraph 17.

18. The Defendant denies the allegations contained within paragraph 18.

19. The Defendant denies the allegations contained within paragraph 19.

20. The Defendant denies the allegations contained within paragraph 20.

PRAYER

The Defendant denies that the plaintiff is entitled to any relief requested in her prayer for relief. The Defendant denies any and all allegations in plaintiff's complaint not specifically admitted herein.

AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim upon which relief can be granted.
2. The Defendant avers that some of the allegations which form the basis of plaintiff's THRA and Title VII claims are time-barred pursuant to the statutes of limitation set forth in Tenn. Code Ann. § 4-21-311(d) and 42 U.S.C. § 2000e-5, respectively. Further, the statute of limitations for THRA claims is not tolled by the filing of administrative claims with the EEOC.
3. At all times relevant hereto, defendant had policies and procedures in place prohibiting unlawful discrimination and harassment.
4. The Defendant avers that it never had notice of a sexually hostile work environment, and once the Defendant had notice of the plaintiff's subjective belief that she was suffering a sexually hostile work environment, the Defendant immediately investigated her allegations and took prompt and appropriate remedial action.
5. The Defendant avers that the plaintiff was never disciplined, reprimanded, or denied any tangible job benefits or promotions for discriminatory reasons.
6. Alternatively, to the extent plaintiff alleges she was denied tangible job benefits or promotions and/or suffered adverse employment actions, the Defendant avers that any denial of job benefits or adverse employment action was based upon legitimate, non-discriminatory reasons.

7. The Defendant exercised reasonable care to prevent and correct promptly any alleged harassment, and plaintiff unreasonably failed to take advantage of preventive or corrective opportunities provided by the defendant or to avoid harm otherwise.

8. The Defendant avers that the Plaintiff has not been subjected to sex discrimination or harassment in violation of any state or federal law.

9. Punitive damages are not recoverable against the Defendant pursuant to Title VII and THRA.

10. The Defendant avers that it is entitled to recover its costs and attorney's fees herein incurred in defense of this action pursuant to 42 U.S.C. § 1988 and § 2000e-5 (k).

11. The Defendant specifically requests a jury of 12 to hear this matter.

12. The Defendant specifically reserves the right to amend this answer and plead further as additional facts become available through further investigation or discovery.

Having answered the complaint and asserted its affirmative defenses, defendant prays that the complaint be dismissed with the costs taxed to the plaintiff.

Respectfully submitted,

FARRAR & BATES, LLP

/s/ Robyn Beale Williams
Robyn Beale Williams, BPR #19736
211 Seventh Avenue N., Suite 500
Nashville, TN 37219
(615) 254-3060
Attorney for Defendant Smith County

Certificate of Service

The undersigned hereby certifies that on this, the 11th day of February, 2011, a true and correct copy of the foregoing has been forwarded via the court's electronic filing system to:

John L. Lowry, Esq.
1507 16th Avenue South
Nashville, TN 37212
Attorney for Plaintiff

/s/ Robyn Beale Williams
Robyn Beale Williams